

BEST AVAILABLE COPY

**Patent Application Serial No. 10/089452
Docket No. 032034-002000**

REMARKS

Claims 1-14, 19, 21, 27-39, and 41-42 are pending and new claim 55 has been added. Claim 40 is cancelled and claims 15-18, 20, 22-26 and 43-54 are withdrawn, without prejudice or disclaimer. Applicants reserve the right to pursue the withdrawn and cancelled claims in a divisional or continuation application(s).

Applicants have amended claims 5, 6, 11, 12, 19, 21, 29, 35, 36 and 41 to provide clarity and definiteness to these claims. In addition, claims 7, 14, and 36 have been revised to overcome the Examiner's informal objections, as stated on page 6, section 8 of the Office Action.

Applicants have also revised the specification to add new sequence identifiers. A substitute sequence listing, in paper and computer readable format, is appended with this reply.

The amendments to the claims and specification and the addition of new claim 55 are supported by the entire specification, particularly at page 9, paragraph 33, lines 5-6 and pages 32-52.

Applicant respectfully submits that the above amendments do not introduce new matter. Accordingly, Applicant respectfully requests the Examiner to enter these amendments.

Formal Matters

The Examiner asserts that the oath or declaration is defective on the ground that the name of the city and either state or foreign country of each inventor was missing and that the inventors did not date the document upon execution.

In addition, the Examiner contends that the oath, declaration or application data sheet, as previously submitted, fails to acknowledge the filing of any of the foreign priority applications. Applicants enclosed a copy of the previously-filed application data sheet disclosing all four of the foreign priority applications and information relating to the inventors. As can be shown, the name of the city and foreign country of each of the inventors are properly disclosed in application data sheet (copy enclosed).

To obtain the benefit of foreign priority under 35 U.S.C. §119 (a) – (d), Applicants hereby append certified copies of the English-translated versions of the foreign priority applications (copies appended).

Sequence Listing

The specification has been objected because it contain sequences that do not have appropriate sequence identifiers, e.g., LysC peptide discussed on page 22, paragraph [0112] and PCR primers listed on Table 10 at pages 54-55. To obviate this objection, Applicants have prepared a substitute Sequence Listing that includes the sequences of the LysC peptide (SEQ ID NO:57) and PCR primers (SEQ ID NOS:58-82). The substitute Sequence Listing, both in paper and computer readable format, is appended with this reply.

Applicants respectfully submit that the substitute sequence listing does not contain new matter, and that the content of the substitute Sequence Listing in the computer readable format is identical to that of the substitute paper copy . Accordingly, Applicants respectfully request the Examiner to withdraw this objection.

Obviousness-Type Double Patenting Rejection

In the Office Action, the Examiner provisionally rejected claims 1-14, 19, 21 and 27-42 under the judicially created doctrine of obviousness-type double patenting over claims 46-50, 54-63 and 69 of co-pending Application No. 10/110,410.

To the extent that this rejection applies to the pending claims, Applicants will file a suitable terminal disclaimer once the claims are indicated to be allowable.

Objection Under 35 U.S.C. § 112 (First Paragraph)

The specification has been objected for failure to provide a copy of certificate of deposit for four of the hybridomas expressing catalase and β -urease antibodies. To satisfy the enablement requirement of section 112, first paragraph, Applicants hereby submit two certificates of deposit for the two β -urease antibody-expressing hybridomas (copies enclosed). These hybridomas, namely, HP8m/4H5-D4-C9 and HP9.1m/3C2-F8-E2, were deposited with the German Collection of Microorganisms and Cell Cultures on June 23, 1998, in accordance with the Budapest Treaty under Accession Nos. DSM ACC2360 and ACC2362, respectively.

In addition, the Examiner expressed the need for certificates of deposits for hybridomas –expressing the catalase antibodies. The Examiner outlines that these antibodies are necessary to practice the claimed invention. However, this view is contradictory since these two antibodies are only examples for antibodies which work very well. Based on the disclosure of the present invention, any skilled artisan would easily identify other antibodies that can work as well. A method for recovering antibodies is outlined in the description in a very detailed manner. Thus, Examples 1 and 2 refer to the preparation of the antigens. Example 3 provides data of the sequence of one of the useful proteins. Example 4 refers to the generation of the antibodies. Example 5 refers to the characterization of the antibodies. Example 7 is concerned with the preparation of conjugates. Example 8 provides a characterization of the purified monoclonal antibodies. One of the important parts of the present invention is Example 9 referring to the screening of the antibodies. If one uses the methods outlined in Examples 1-9, one can find further antibodies that are valuable as the two antibodies mentioned by the Examiner. The critical parts are the preparation of the antigens and the screening of the antibodies.

Rejections Under 35 U.S.C. § 102(b)

On page 11, section 17 of the Office Action, claims 1-4, 6, 14 and 34 stand rejected under 35 U.S.C. §102(b), as being anticipated by Reiter *et al.* (WO 00/26671 A1; hereinafter “Reiter”). Applicants respectfully traverse this rejection.

As indicated in the Application Data Sheet, a copy of which is enclosed, the present application claims priority to five foreign priority applications, the earliest being filed on March 16, 2000 (EP00105592.0). In addition, certified copies of four of the EP patent applications are enclosed for perfecting the priority documents. Once perfected, the effective filing date of the present application is March 16, 2000 instead of January 27, 2003. Reiter, on the other hand, has a publication date of May 11, 2000, which is later than the effective filing date of the present application.

Based on the foregoing, Applicants respectfully submit that Reiter is not a proper novelty-defeating reference and it does not anticipate claims 1-4, 6, 14 and 34. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the above-mentioned rejection based on Reiter.

In addition, the Examiner rejects claims 1, 2, 6-12, 14, 29-39, and 41-41, under 35

U.S.C. §102(b), as being anticipated by Svenson *et al.* (WO 97/34149 A1; hereinafter “Svenson”) or Mandrell *et al.* (WO 97/34149 A1; hereinafter “Mandrell”). Applicants respectfully traverse this rejection.

Svenson teaches a method for diagnosing a microbacterial disease using mannans specific for this class of bacteria as antigens which has nothing to do with the method for detecting an infection with acid-resistant microorganism using specific antibodies. The antibodies raised against the mannans of *Mycobacterium tuberculosis* will not work in an assay for detecting acid-resistant microorganism.

Mandrell, on the other hand, discloses antibodies against *Campylobacter jejuni* and *Campylobacter coli* and their general use in assays. There is no specific discussion on the methods used in the present invention. For example, the only place in the specification that mentions a specific use is on page 3, *i.e.*, use of these antibodies in biosensors. In addition, general testing procedures are mentioned on page 7.

Based on the above-mentioned remarks, neither Svenson nor Mandrell anticipates the subject matter of claims 1, 2, 6-12, 14, 29-39 and 41-42. Accordingly, reconsideration and withdrawal of the rejection based on the §102(b) rejection is earnestly requested.

On page 13, section 19 of the Office Action, claims 1-14, 29-35, 37-39 and 41 stand rejected under 35 U.S.C. §102(a), as being anticipated by Nakaya *et al.* (WO 02/088737 A1; hereinafter “Nakaya”). Applicants respectfully traverse this rejection.

Similar to the above-cited Reiter reference, Nakaya is not a relevant prior art under 35 U.S.C. §102(a) because the earliest filing date of Nakaya is April 23, 2001, which is more than one year after than the effective filing date of the present application (March 16, 2000).

Based on this conclusion, Applicants respectfully submit that Nakaya is not a proper novelty-defeating reference and it does not anticipate the subject matter of claims 1-14, 29-35, 37-39 and 41. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this §102(a)rejection.

On page 14, section 120 of the Office Action, claims 1-4, 6-12, 14, 30-33, 35, 37, 38, 40 and 42 stand rejected under 35 U.S.C. §102(b), as being anticipated by Thomas *et al.* (Lancet, 340:1194-1195, 1992, hereinafter “Thomas”). Applicants respectfully traverse this rejection.

Thomas discloses a method for isolating *H. pylori* from faeces, *i.e.*, viable

microorganisms which can be grown or cultured afterwards. Thomas's aim was to culture *H. pylori* rather than to find a method to detect *H. pylori* in faeces. The ELISA assay employed by Thomas is used for antigens that have been obtained after having cultured the *H. pylori* from faeces. Thus, if the skilled artisan applies Thomas' teachings to develop an assay for the diagnosis of a *H. pylori* infection in faeces, he would have to first isolate *H. pylori* from faeces, subculture *H. pylori*, and confirmed for positive growth of *H. pylori* in the culture. Thus, Thomas teaching is irrelevant from the teachings of the present invention.

Accordingly, reconsideration and withdrawal of the §102(b) rejection based on Thomas.

On Page 14, Section 21, the Office Action rejects claims 1-4, 6-12, 14, 29-39, 41 and 42 as being allegedly anticipated by Larka (U.S. Patent No. 5,932,430; hereinafter "Larka"). Applicant respectfully traverses the rejection.

Larka discloses a method for detecting *H. pylori* using polyclonal antibodies. In fact, Larka's method requires the use of two polyclonal antibodies, which bind to the same antigen. Larka unambiguously states that problems relating to cross-reactivity and strain variation with immunoassays for detection of *H. pylori* "rule out the use of monoclonal antibodies." (See Larka, Col. 1, lines 33-48). At the same time, Larka provides that while the invention is described with reference to the use of polyclonal antibodies, those skilled in the art will also recognize that two or more monoclonal antibodies could be used as an alternative to using polyclonal antibodies. Further, Larka defines the term "plurality of antibodies" to generically refer to a polyclonal antibody and a mixture of monoclonal antibodies. Larka, however, is totally silent about the use of antibodies having different specificity and about how to improve the sensitivity of the test. Accordingly, inasmuch as Larka fails to disclose the use antibodies for different antigens and provides no enabling teaching how to use monoclonal antibodies, Larka fails to anticipate or render obvious the claimed invention. For these reasons, it is respectfully submitted that the rejection under 35 U.S.C. 102(b) should be reconsidered and withdrawn.

Applicant respectfully submits that the claims, as amended and presented herein, are readily distinguishable from the various 102(a) & (b) rejection references cited hereinabove. In view of the amendments and above reasons, Applicant respectfully submits that the presently-claimed invention is both novel and non-obvious over the art cited.

Reconsideration and withdrawal of the various 102((a) & (b) rejections is, accordingly, respectfully requested.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly requested. Although Applicant believes that no fee is due, the Commissioner is hereby authorized to charge any payment deficiency to Deposit Account No. 19-2380 referring to Attorney Docket Number 032034-002000.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact the undersigned representative at the telephone number shown below.

Respectfully submitted,

Date: March 1, 2006


Cecilia Lopez-Chua
Cecilia Lopez-Chua
Reg. No. 48,627

NIXON PEABODY LLP
401 9TH Street, N.W.
Suite 900
Washington, DC 20004-2128
(202) 585-8000

FILING RECEIPT
PLEASE DATE STAMP AND RETURN YELLOW SHEET TO:



Dean H. Nakamura
Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036



In re application of:

Christian REITER, et al.

Application No. 10/089,452
Confirmation No. 9277

Filed: March 29, 2002

For: IMPROVED METHOD FOR
DETECTING ACID RESISTANT
MICROORGANISMS IN THE
STOOL

Art Unit: (Unassigned)

Examiner: (Unassigned)

Atty. Docket No. 105032-991200
(former ref. no. 42314)

Customer No.

35928
35928
PATENT TRADEMARK OFFICE

PAPER(S) FILED ENTITLED:

1. Response to Notification of Defective Response
(w/executed Declarations [3 sheets] and Application Data
Sheet)
2. Notice of Change of Address & Attorney Docket Number

Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036
Telephone: (202) 238-7731
Facsimile: (202) 238-7701

DOCKET NO.: 105032-991200 (formerly 42314)
ATTORNEY/SEC: DNakamura/pmakle

Date Filed: 21 May 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

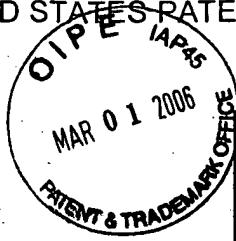
Christian REITER, et al.

Application No. 10/089,452

Confirmation No. 9277

Filed: March 29, 2002

For: IMPROVED METHOD FOR
DETECTING ACID RESISTANT
MICROORGANISMS IN THE
STOOL



Art Unit: (Unassigned)

Examiner: (Unassigned)

Atty. Docket No. 105032-991200
(former ref. no. 42314)

Customer No.

35928

35928

PATENT TRADEMARK OFFICE

NOTICE OF CHANGE OF ADDRESS AND ATTORNEY DOCKET NUMBER

MAIL STOP: PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

To the extent the following is not already of record in the file of the above-identified application, please note changes in the firm name, address, telephone number, and telefax number of all counsel of record in the file:

GRAY CARY WARE & FREIDENRICH LLP
1625 Massachusetts Avenue, Suite 300
Washington, DC 20036-2247
Telephone: (202) 238-7700
Telefax: (202) 238-7701

Please also note the following address for receipt of all correspondence from the U.S. Patent and Trademark Office:

35928

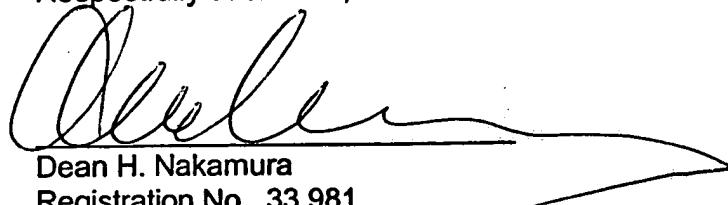
35928

PATENT TRADEMARK OFFICE

Attorney Number: 105032-991200
(former ref. no. 42314)
Application No.: 10/089,452
Page 2

Please also note that the Attorney Docket Number has been changed to
105032-991200. It is respectfully requested that the Office's filewrapper and appropriate databases be updated.

Respectfully submitted,



Dean H. Nakamura
Registration No. 33,981
Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036

Telephone: (202) 238-7731
Facsimile: (202) 238-7701

Date: May 21, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Christian REITER et al.

Application No. 10/089,452

Confirmation No. 9277

Filed: March 29, 2002

For: IMPROVED METHOD FOR
DETECTING ACID RESISTANT
MICROORGANISMS IN THE
STOOL



Art Unit: (Unassigned)

Examiner: (Unassigned)

Atty. Docket No. 105032-991200
(former ref. no. 42314)

Customer No.

35928
35928

PATENT TRADEMARK OFFICE

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

MAIL STOP: MISSING REQUIREMENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Further to the submission of the executed Declaration on January 27, 2003, it should be noted that an Application Data Sheet was filed on March 29, 2002, copy attached hereto. Hence, it is believed the Declaration filed January 27, 2003 is proper and the Notification of Defective Response mailed April 21, 2003, copy attached hereto, is improper and must be vacated.

In any event, in response to the Notification of Defective Response dated April 21, 2002, resubmitted herewith are the following:

- Executed Declarations & Power of Attorney (2 documents)
- Application Data Sheet

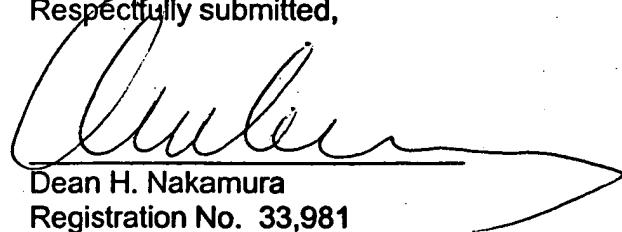
OFFICIAL FEES:

TOTAL FEES ENCLOSED: \$0.00

Applicant: Christian REITER et al.
Application No. 10/089,452

Applicants hereby authorize to charge any additional fees which may be required
for this Response to Deposit Account No. 07-1896, and to notify the undersigned.

Respectfully submitted,



Dean H. Nakamura
Registration No. 33,981
Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036

Telephone: (202) 238-7731
Facsimile: (202) 238-7701

Date: May 21, 2003



APPLICATION DATA SHEET

Application Information

Application Number: 10/089,452
Filing Date: March 29, 2002
Application Type: Regular
Subject Matter: Utility
Suggested Classification:
CD-ROM or CD-R?:
Number of CD Disks:
Number of Copies of CDs:
Sequence Submission?: Yes
Computer Readable Form (CFR)?: Yes
Number of Copies of CFR: 1
Title: IMPROVED METHOD FOR DETECTING ACID RESISTANT MICROORGANISMS IN THE STOOL
Attorney Docket Number: 105032-991200 (former ref. no. 42314)
Request for Early Publication?: No
Request for Non-Publication: No
Suggested Drawing Figure: 1
Total Drawing Sheets: 10
Small Entity?: Yes
Latin Name: N/A
Variety Denomination Name:
Petition Included?:
Petition Type:
Licensed US Govt Agency:
Contract or Grant Numbers:
Secrecy Order in Parent Appl.:

Application Information

Applicant Authority Type: Inventor
Primary Citizenship: Germany
Country: Germany
Status: Full Capacity
Given Name: Christian
Middle Name:
Family Name: REITER
Name Suffix:
City of Residence: Karlsfeld
State or Province of Residence:
Country of Residence: Germany
Street of Mailing Address: Rathausstrasse 8
City of Mailing Address: Karlsfeld
State or Province of Mailing Address:
Country of Mailing Address: Germany
Postal or Zip Code of Mailing Address: 85757

Applicant Authority Type: Inventor
Primary Citizenship: Germany
Country: Germany
Status: Full Capacity
Given Name: Gerhard
Middle Name:
Family Name: CULLMANN
Name Suffix:
City of Residence: München
State or Province of Residence:
Country of Residence: Germany
Street of Mailing Address: Alramstrasse 28
City of Mailing Address: München
State or Province of Mailing Address:
Country of Mailing Address: Germany
Postal or Zip Code of Mailing Address: 81371

Applicant Authority Type: Inventor
Primary Citizenship: Germany
Country: Germany
Status: Full Capacity
Given Name: Petra
Middle Name:
Family Name: HEPPNER
Name Suffix:
City of Residence: Pullach
State or Province of Residence:
Country of Residence: Germany
Street of Mailing Address: Schillerstrasse 9
City of Mailing Address: Pullach
State or Province of Mailing Address:
Country of Mailing Address: Germany
Postal or Zip Code of Mailing Address: 82049

Applicant Authority Type: Inventor
Primary Citizenship: Germany
Country: Germany
Status: Full Capacity
Given Name: Achim
Middle Name:
Family Name: RINGEIS
Name Suffix:
City of Residence: Gräfling
State or Province of Residence:
Country of Residence: Germany
Street of Mailing Address: Watzmannstrasse 2
City of Mailing Address: Gräfling
State or Province of Mailing Address:
Country of Mailing Address: Germany
Postal or Zip Code of Mailing Address: 82166

Applicant Authority Type: Inventor
Primary Citizenship: Germany
Country: Germany
Status: Full Capacity
Given Name: Heidemarie
Middle Name:
Family Name: MÜLLER
Name Suffix:
City of Residence: München
State or Province of Residence:
Country of Residence: Germany
Street of Mailing Address: Jägerhuberstrasse 9
City of Mailing Address: München
State or Province of Mailing Address:
Country of Mailing Address: Germany
Postal or Zip Code of Mailing Address: 81475

Applicant Authority Type: Inventor
Primary Citizenship: Germany
Country: Germany
Status: Full Capacity
Given Name: Eva
Middle Name:
Family Name: HAINDL
Name Suffix:
City of Residence: Pentenried
State or Province of Residence:
Country of Residence: Germany
Street of Mailing Address: Rehsteig 3
City of Mailing Address: Pentenried
State or Province of Mailing Address:
Country of Mailing Address: Germany
Postal or Zip Code of Mailing Address: 82349

Correspondence Information

Correspondence Customer Number: 35928

Representative Information

Representative Customer Number: 35928

Domestic Priority Information

Application:	Continuity Type: National Stage of	Parent Application:	Parent Filing Date:

Foreign Priority Information

Country:	Application Number	Filing Date:	Priority Claimed:
WIPO	PCT/EP00/10058	12 OCT 2000	YES
EP	99 12 0351.4	12 OCT 1999	YES
EP	00 10 5592.0	16 MAR 2000	YES
EP	00 10 7028.3	31 MAR 2000	YES
EP	00 11 0110.4	10 MAY 2000	YES

Application Information

Assignee Name:

Street of Mailing Address:

City of Mailing Address:

State or Province of Mailing Address:

Country of Mailing Address:

**Postal or Zip Code of Mailing
Address:**



PTO/SB/01A (10-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or
 Application No. 10/089,452, filed on 29 March 2002,
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Christian Reiter

Signature: X Christian Reiter

Citizen of: Germany

Inventor two: Gerhard Cullmann

Signature: X

Citizen of: Germany

Inventor three: Petra Heppner

Signature: X P. H.

Citizen of: Germany

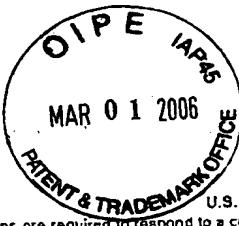
Inventor four: Achim Ringeis

Signature: X S. Ringeis

Citizen of: Germany

Additional inventors are being named on 1 additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/01A (10-00)

Approved for use through 10/31/2002, OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or
 Application No. 10/089,452 filed on 29 March 2002,
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Christian Reiter

Signature: X Christian Reiter Citizen of: Germany

Inventor two: Gerhard Cullmann

Signature: X Gerhard Cullmann Citizen of: Germany

Inventor three: Petra Heppner

Signature: X Citizen of: Germany

Inventor four: Achim Ringels

Signature: X Citizen of: Germany

Additional inventors are being named on 1 additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Connex GmbH
Am Kloperspitz 19
82152 Martinsried

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:

HP 8m/4H5-D4-C9

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

DSM ACC2360

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

- a scientific description
 a proposed taxonomic designation

(Mark with a cross where applicable).

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on 1998-06-11
(Date of the original deposit)¹.

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I. above was received by this International Depository Authority on (date of original deposit)
and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request)
for conversion).

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: DSMZ-DEUTSCHE SAMMLUNG VON
MIKROORGANISMEN UND ZELLKULTUREN GmbH
Address: Mascheroder Weg 1b
D-38124 Braunschweig

Signature(s) of person(s) having the power to represent the
International Depository Authority or of authorized official(s):

U. Weiß

Date: 1998-06-23

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Connex GmbH
Am Kloperspitz 19
82152 Martinsried

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:

HP 9.1m/3C2-F8-E2

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

DSM ACC2362

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

- (X) a scientific description
() a proposed taxonomic designation

(Mark with a cross where applicable).

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on 1998-06-11
(Date of the original deposit)¹.

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depository Authority on (date of original deposit)
and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request
for conversion).

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: DSMZ-DEUTSCHE SAMMLUNG VON
MIKROORGANISMEN UND ZELLKULTUREN GmbH
Address: Mascheroder Weg 1b
D-38124 Braunschweig

Signature(s) of person(s) having the power to represent the
International Depository Authority or of authorized official(s):

V. Weiles

Date: 1998-06-23

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.